UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/840,108	05/05/2004	Martin Weel	1116-064	9463

71739   7590   06/16/2010
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EXAMINER
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ART UNIT	PAPER NUMBER
2451	

MAIL DATE	DELIVERY MODE
06/16/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
	10/840,108	WEEL, MARTIN
Office Action Summary	Examiner	Art Unit
	SAKET K. DAFTUAR	2451

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _22 March 2010_.

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _11-18,31,32,34-44 and 50-56_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _11-18, 31-32, 34-44 and 50-56_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

        1. ☐ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____.

        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _03/10/2010 & 04/27/2010_.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

Response to Amendment

1.   Applicant's submission filed on March 22nd, 2010 has been entered. Claims 11-

18. 31-32, 34-44 and 50-56 are presented for the further examination.

Response to Arguments

2.   Applicant's arguments with respect to claims 11-18, 31-32, 34-44 and 50-56

have been considered but they are not persuasive. As per arguments filed, applicant

continues to argue to the substance that

   a.   Neither Johnson nor Pierre teaches or suggests identification by a device

   of a local realm, user selection of the local realm, transmission of a password

   associated with the local realm; or a list of device identifiers that is provided after

   transmission of the password.

        In response to applicant's arguments a), examiner respectfully reminds

   applicant that one cannot show nonobviousness by attacking references

   individually where the rejections are based on combinations of references. See

   In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800

   F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). As such examiner considers the

   following combination of Johnson and Pieere where Johnson is directed to a

   transmission of situation location information from a server data processing to a

   receiving data processing whereas the delivery event associated with a current

   positional attribute of the receiving data processing system. See below:

           "Provided is transmission of situational location dependent
        information from a server data processing system to a receiving data

processing system. <u>The server data processing system communicates with the receiving data processing system in a manner by pushing content when appropriate</u>. A candidate delivery event associated with a current **positional attribute of the receiving data processing system is recognized and a situational location of the remote data processing system is determined.** The candidate delivery event may be a location and/or direction change, device state change, or movement exceeding a movement tolerance. **The situational location of the remote data processing system may be its location, direction, location and direction, proximity to a location, state change, or location and/or direction relative to a previous location and/or direction, or combinations thereof**. A set of delivery content from a delivery content database is transmitted from the server data processing system to the receiving data processing system according to the situational location of the receiving data processing system, and according to delivery constraints. The delivery content is configurable by authorized administrators on an instant activation basis for proactive delivery." (Abstract)

In another word, in network communication one must identify location of the communicating device from plurality of devices from network or networks or plurality of computer networks. The person skilled in the art would clearly recognize such identification when communication is established. Pierre on the other hand is directed to identify available network to attached communicating devices.

"The illustrative embodiment facilitates **multiple network attached devices 10 being identified by the remote control device 4**. After identification of the network attached device 110, the remote control device 4 dynamically learns the command codes of the identified network attached device through a sequence of protocol defined request and response messages. Once the remote control device 4 has received the codes for the network attached device 10, a user of the remote control device is able to select a device from among those devices that have been identified, and issue commands to that network attached device."

As such, examiner considers that, as per claim 11, Johnson discloses
broadcasting a signal [see figure 5A-5B, see column 12, lines 12-41] from the
first device [controller, server, administrator, communicating with wireless
devices via the base stations, see column 8,lines 6-65] operative to be received
by one or more second devices, (see figures 14, column 21, line 17 - column 23,
line 39, deliverable content list based on id, see administrator selected to list his
deliverable content database record, then the deliverable content database is
searched using the administrator's authorization id against the authorization id
field, see column 6, line 55 - column 7, line 41, see figures 1-6) from the one or
more second devices; receiving, at the first device, at least the identifier from the
one or more second devices in response to the request (see column 6, line 55 -
column 7, line 41, see figures 1-6); receiving, at the first device, at least one
desired location identifier from the at least one location identifier received from
the one or more second devices in response to the signal (see figure 5A-5B, see
column 12, lines 12-41, the cell controllers selects the strongest signal and
extract unique identifier from the return signal); transmitting from the first device a
password [administrator's authorization ID, whereas authorization ID for example
could be a password for user identifier (see column 14, line 18-32), searched in
deliverable content database records against the authorization ID field discloses
that each content is transmitted to database with administrator or controller
authorization ID] associated with one desired location identifier (see figure 14,
column 22, line 30 – column 23, line 17) in response to the user input; and in

response to transmitting the password associated with the at least one desired location identifier(see column 14, line 18-32), receiving at the first device at least one device identifier identifying a device associated with the identifier (see figure 14, column 22, line 30 – column 23, line 17).

However, Johnson is silent about identifying a local realm of which the receiving or transmitting device is a member.

Pierre teaches identifying a local realm [local area network, local realm, examiner considers Pierre disclosure of "multiple network attached devices being identified by the remote control device. After Identification of the network attached device, the remote control device dynamically learns the codes of the identified network attached device through a sequence of protocol defined request and response message."] of which the receiving or transmitting device is a member (see column 4, line 25 – column 5, line 32, column 8, line 55 -column 10, line 50).

Therefore, it would have been obvious to one having ordinary skilled in the art at the time the invention was made to combine the teachings of Pierre into Johnson to provide an efficient mechanism that provides broadcasting transmission of signal information from a server data processing system to a receiving data processing system whereas the server data processing system correctly identifies the device in a network and efficiently communicates with the receiving data processing system by pushing proactive delivery content that recognizes and identifies the requesting device.

Specification

3.   The specification is objected to as failing to provide proper antecedent basis for

the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction

of the following is required: the specification fails to define "local realm".

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 11-18, 31-32, 34-44 and 50-56 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Johnson US Patent Number 6,456,234 B1 (hereinafter

Johnson) and further in view of St. Pierre, US Patent Number 6,853,841 B1 (hereinafter

Pierre).

As per claim 11, Johnson discloses broadcasting a signal [see figure 5A-

5B, see column 12, lines 12-41] from the first device [controller, server,

administrator, communicating with wireless devices via the base stations, see

column 8,lines 6-65] operative to be received by one or more second devices,

(see figures 14, column 21, line 17 - column 23, line 39, deliverable content list

based on id, see administrator selected to list his deliverable content database

record, then the deliverable content database is searched using the

administrator's authorization id against the authorization id field, see column 6,
line 55 - column 7, line 41, see figures 1-6) from the one or more second devices;
receiving, at the first device, at least the identifier from the one or more second
devices in response to the request (see column 6, line 55 - column 7, line 41,
see figures 1-6); receiving, at the first device, at least one desired location
identifier from the at least one location identifier received from the one or more
second devices in response to the signal (see figure 5A-5B, see column 12,
lines 12-41, the cell controllers selects the strongest signal and extract unique
identifier from the return signal); transmitting from the first device a password
[administrator's authorization ID, whereas authorization ID for example could be
a password for user identifier (see column 14, line 18-32), searched in
deliverable content database records against the authorization ID field discloses
that each content is transmitted to database with administrator or controller
authorization ID] associated with one desired location identifier (see figure 14,
column 22, line 30 – column 23, line 17) in response to the user input; and in
response to transmitting the password associated with the at least one desired
location identifier(see column 14, line 18-32), receiving at the first device at least
one device identifier identifying a device associated with the identifier (see figure
14, column 22, line 30 – column 23, line 17).

However, Johnson is silent about identifying a local realm of which the
receiving or transmitting device is a member.

Pierre teaches identifying a <u>local</u> realm [local area network, local realm, examiner considers Pieere disclosure of "multiple network attached devices being identified by the remote control device. After Identification of the network attached device, the remote control device dynamically learns the codes of the identified network attached device through a sequence of protocol defined request and response message."] of which the receiving or transmitting device is a member (see column 4, line 25 – column 5, line 32, column 8, line 55 -column 10, line 50).

Therefore, it would have been obvious to one having ordinary skilled in the art at the time the invention was made to combine the teachings of Pierre into Johnson to provide an efficient mechanism that provides broadcasting transmission of signal information from a server data processing system to a receiving data processing system whereas the server data processing system correctly identifies the device in a network and efficiently communicates with the receiving data processing system by pushing proactive delivery content that recognizes and identifies the requesting device.

As per claim 12, Pierre teaches identifying a realm [network realm, examiner considers Pierre disclosure of "multiple network attached devices being identified by the remote control device. After Identification of the network attached device, the remote control device dynamically learns the codes of the identified network attached device through a sequence of protocol defined request and response message."] of which the receiving or transmitting device is

a member (see column 4, line 25 – column 5, line 32, column 8, line 55 -column

10, line 50).

Therefore, it would have been obvious to one having ordinary skilled in the

art at the time the invention was made to combine the teachings of Pierre into

Johnson to provide an efficient mechanism that provides broadcasting

transmission of signal information from a server data processing system to a

receiving data processing system whereas the server data processing system

correctly identifies the device in a network and efficiently communicates with the

receiving data processing system by pushing proactive delivery content that

recognizes and identifies the requesting device.

As per claim 13, Johnson discloses selecting, at the first device, the at

least one device identifier identifying the device associated with the at least one

desired location identifier, and controlling the device associated with the at least

one desired location identifier (see figure 5A-5B, see column 11, line 12 - column

12, line 41, the cell controllers selects the strongest signal and extract unique

identifier from the return signal).

As per claim 14, Johnson discloses the device associated with the

identifier comprises one or more second device (see figure 5A-5B, see column

11, line 12 - column 12, line 41, the cell controllers selects the strongest signal

and extract unique identifier from the return signal).

As per claim 15, Johnson discloses controlling the device associated with

the one desired location identifier comprises causing the device associated with

the desired location identifier to render at least a portion of a media item (see figure 5A-5B, see column 11, line 12 - column 12, line 41, the cell controllers selects the strongest signal and extract unique identifier from the return signal).

As per claim 16, Johnson discloses controlling the device associated with the identifier further comprises transferring a media item from the device associated with the identifier to the first device (column 6, line 55 – column 8, line 65 , see figure 5A-5B, see column 12, lines 12-41 see figure 14, column 22, line 30 – column 23, line 17, see column 13, lines 55-61).

As per claim 17, Johnson discloses the broadcasting a signal comprises broadcasting a signal from a first device operative to be received by a plurality of second devices, wherein each of the plurality of second devices is operatively connected to a same local area network (see column 8, lines 6-65).

As per claim 18, Johnson discloses the broadcasting a signal comprises broadcasting a signal from a first device operative to be received by a plurality of second devices, wherein each of the plurality of second devices is operatively coupled to a network selected from the group consisting of a local area network, a wide area network, a remote local area network, a wireless network, a cellular phone network, and the Internet (see column 8, lines 6-65).

As per claims 31-32 and 34-39, they do not teach or further define over the limitation as recited in claims 11-18, Johnson discloses therefore, claims 31-32 and 34-39 are rejected under same scope as discussed in claims 11-18, supra.

As per claim 40, Johnson discloses the first device comprises at least one of a PDA [PDA], a palmtop computer, a laptop computer [laptop], and a cellular telephone (column 6, line 55 – column 8, line 65).

As per claim 41, Johnson discloses wirelessly broadcasting, on a first device, a ID (column 6, line 55 – column 8, line 65 , see figure 5A-5B, see column 12, lines 12-41);wirelessly receiving, on a second device, the ID (column 6, line 55 – column 8, line 65 , see figure 5A-5B, see column 12, lines 12-41);entering, on the second device, a password associated with the ID(column 6, line 55 – column 8, line 65 , see figure 5A-5B, see column 12, lines 12-41 see figure 14, column 22, line 30 – column 23, line 17);transmitting the password (see column 14, line 18-32); and effecting the playing of a media item on the first device by the second device (column 6, line 55 – column 8, line 65 , see figure 5A-5B, see column 12, lines 12-41 see figure 14, column 22, line 30 – column 23, line 17, see column 13, lines 55-61).

However, Johnson is silent about identifying a realm of which the receiving or transmitting device is a member or belongs to.

Pierre teaches identifying a local realm [local network realm, examiner considers Pieere disclosure of "multiple network attached devices being identified by the remote control device. After Identification of the network attached device, the remote control device dynamically learns the codes of the identified network attached device through a sequence of protocol defined request and response

message."] of which the receiving or transmitting device is a member (see column 4, line 25 – column 5, line 32, column 8, line 55 -column 10, line 50).

Therefore, it would have been obvious to one having ordinary skilled in the art at the time the invention was made to combine the teachings of Pierre into Johnson to provide an efficient mechanism that provides broadcasting transmission of signal information from a server data processing system to a receiving data processing system whereas the server data processing system correctly identifies the device in a network and efficiently communicates with the receiving data processing system by pushing proactive delivery content that recognizes and identifies the requesting device.

As per claims 42-43, they do not teach or further define over the limitation as recited in claims 17-18, Johnson discloses therefore, claims 42-43 are rejected under same scope as discussed in claims 17-18, supra.

As per claim 44, Johnson discloses the wide area network comprises the Internet (see figure 14, column 22, line 30 – column 23, line 17, see column 13, lines 55-61).

As per claims 50-55, Claims 50-55 are method claims of claims 11-18. Except for display device and server devices they do not teach or further define over the limitation as discussed in claims 11-18. Therefore claims 50-55 are rejected under same scope as discussed in claims 11-18 wherein Johnson does discloses a display device displaying, on the first device (see column 17, lines

25-50) and server devices coupled to the communication network for transmitting

and receiving media content (see column 8,lines 6-65).

As per claim 56, Johnson discloses the local realm is a wireless local area

network (see column 6, line 55 – column 7, line 41).

Conclusion

6.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

a.   Dynamic Streaming Media Management by O'Rourke et al. US Patent

Number 6,990,497 B2.

b.   Streaming Media Delivery on Multicast Networks for Network and Server

Bandwidth Minimization and Enhanced Personalization by Weber et al. US

Patent Number 7,020,710 B2.

7.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Contact Information

8.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to SAKET K. DAFTUAR whose telephone number is (571)272-8363. The examiner can normally be reached on 7:00 - 3:30pm M-W.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system.   Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. K. D./

Examiner, Art Unit 2451

/HASSAN PHILLIPS/

Primary Examiner, Art Unit 2451